



Federal Communications Commission
Washington, D.C. 20554

DA 11-1691

October 7, 2011

Mr. Ron Wong
Manager, Engineering/Technical
LA-RICS Project
2525 Corporate Place, Suite 200
Monterey Park, CA 91754

Re: County of Los Angeles, Request for Waiver and Further Extended Implementation Authorization (Call Signs WPLU218, *et al.*), filed August 30, 2011.

Dear Mr. Wong:

This letter addresses the above-referenced request for waiver of Section 90.629 of the Commission's rules filed by the County of Los Angeles (County).¹ The County requests the waiver to extend until June 30, 2012 the construction deadline associated with twenty-one narrowband licenses that are to be integrated into the Los Angeles Regional Interoperable Communications System (LA-RICS). For the reasons discussed below, we waive Section 90.629 of the Commission's rules and extend the County's construction deadline until June 30, 2012, subject to the conditions detailed herein.

Background. In 1998, the Commission granted the County twenty-one narrowband UHF licenses for inclusion in the LA-RICS system. At the time of the initial grant, the County requested and was granted a five-year construction period under Section 90.629 of the Commission's rules, which provides for an extended implementation or "slow growth" period of up to five years to complete system construction where technical or coordination issues necessitate more than the standard one-year construction period.² Under the initial extended implementation grant, the County had until 2003 to complete construction and implementation, but the Commission granted two additional extensions based on the County's representation that the scope of the LA-RICS project had expanded and that the County had encountered planning and funding difficulties.³ The second of these extensions expired on June 24, 2011. On May 24, 2011, the County filed a request for an additional five-year extension of the construction deadline.⁴

On June 24, 2011, the Policy and Licensing Division (Division) of the Public Safety and Homeland Security Bureau (Bureau) granted the County's waiver request in part and extended the

¹ See File Nos. 0004740426 *et al.*, attached Request for Waiver and Further Extended Implementation Authorization, Aug. 30, 2011 (Further Request).

² 47 CFR § 90.629.

³ See File No. 0000549192 (Attachment), Status Report on the Los Angeles County 12.5 kHz UHF County-Wide Radio System (filed Aug. 8, 2001).

⁴ See Waiver Request and Status Report, Los Angeles County Wide UHF Refarming Project, Revised May 24, 2011.

County's construction deadline until October 9, 2011.⁵ Noting that the County had held the licenses for nearly fourteen years without having completed construction, the Division found that County's showing in support of an additional five-year extension did not meet the Commission's waiver standard.⁶ However, the Division found a limited extension to be justified based on the County's representation that it planned to complete negotiations and enter into a contract with a prime vendor by August 2011. The Division therefore granted an extension until October 9, 2011, and stated that if the County chose to seek an extension beyond that date, it would be required to submit the following:

- A report on progress made since the receipt of the June 24, 2011 letter;
- Evidence of a signed contract with a vendor to construct the project;
- Evidence that funds for the project are on hand or have been legislatively appropriated; and,
- A more complete and accurate timeline.⁷

On August 30, 2011, the County filed the instant request for waiver, stating that it was unable to comply with the above conditions because it had not entered into a contract with a prime vendor in August 2011 as previously anticipated. The County states that on July 28, 2011, acting on advice of counsel, the LA-RICS Board of Directors cancelled the existing procurement process and began a new procurement process "to comply more fully with the California Public Contracts Code."⁸ The County represents that the new procurement will be "highly accelerated . . . , with the goal of having a new contract finalized for LA-RICS Board approval no later than January 2012."⁹ In light of the changed circumstances, the County requests an extension until June 30, 2012.

Discussion. As noted in the June 24 Letter, the purpose of the Commission's construction deadlines is "to ensure beneficial uses of licensed spectrum, and prevent licensees from 'warehousing' spectrum and making it unavailable to other potential licensees."¹⁰ Here, granting the requested extension to the County will not result in the relevant channels being "unavailable to other licensees" because, as the County notes, "[n]o other licensee can use the narrowband channels in question, as such use would interfere with the County's existing public safety operations on overlapping channels."¹¹ Moreover, as we have observed previously, the waiver furthers the construction of a modern, integrated wireless voice and data communications system that will serve more than 34,000 first responders and local mission-critical personnel in Los Angeles County.¹²

We recognize that the decision of the LA-RICS Board to re-start the procurement process prevents the County from meeting the conditions set forth in the June 24 Letter and will have an impact

⁵ Letter from Michael J. Wilhelm, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, Federal Communications Commission to Ron Wong, Manager, Engineering/Technical LA-RICS Project, June 24, 2011 (June 24 Waiver).

⁶ *Id.*

⁷ *Id.*

⁸ Further Request at 2.

⁹ *Id.*

¹⁰ June 24 Waiver at 3.

¹¹ Further Request at 2.

¹² June 24 Waiver at 3.

Mr. Ron Wong

on the timeline for implementation of the LA-RICS project. Accordingly, we believe that a waiver until June 30, 2012 is appropriate to allow LA-RICS to complete the new procurement process, select a prime vendor, and complete or make substantial progress towards completion of the system. It is equally important, however, that the County and LA-RICS make every effort to accelerate this project and avoid further delay, particularly in light of the length of time that the County has already held these licenses without having initiated construction. We therefore require the County to file a report with the Bureau by January 31, 2012, detailing the status of the project and the County's progress in finalizing the prime contract for construction. If the prime contract has been finalized as of January 31, the County shall provide the contract's material terms and timeline as part of its report. If the contract has not been finalized, the County shall provide an explanation of the delay and an updated timeline for finalizing the contract and completing the project. We further note that any future request for additional time will be subject to a high level of scrutiny and must include a showing that the County has made substantial progress towards completion of the system.

Accordingly, IT IS ORDERED pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Sections 1.925, 1.946(e), and 90.629 of the Commission's rules, 47 C.F.R. §§ 1.925, 1.946(e), 90.629, that the Request for Waiver and Further Extended Implementation Authorization, filed by the County of Los Angeles on August 30, 2011, in connection with application File Nos. 0004863991, 0004863992, 0004863993, 0004863994, 0004863995, 0004863996, 0004863997, 0004863998, 0004863999, 0004864000, 0004864001, 0004864002, 0004864003, 0004864004, 0004864005, 0004864006, 0004864007, 0004864008, 0004864009, and 0004864010 IS GRANTED subject to the conditions stated herein.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

James A. Barnett, Jr., Rear Admiral (ret.)
Chief, Public Safety and Homeland Security Bureau

cc: Robert M. Gurss, Esq.
Mr. John Geiger
Mr. Patrick Mallon